

I-5 and I-205 Toll Projects

Toll Projects' Equity Framework



NOTE: This is a draft document. These proposed changes are pending review by tribal governments.

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INTRODUCTION

The Oregon Toll Program recognizes past land-use and transportation investments in the Portland metro area—including highway investments—have resulted in negative cultural, health, economic, and relational impacts to local communities and populations. These projects have resulted in *displacement* and *segregation*¹ and have disproportionately affected:

- people experiencing *low-income* or *economic disadvantage*;
- *Black, indigenous and people of color (BIPOC)*;
- *Tribal governments (Federally Recognized Tribes)*
- older adults and children;
- persons who speak non-English languages, especially those with limited English proficiency;
- persons living with a disability; and

other populations and communities historically excluded and underserved by transportation projects.

Discriminatory transportation patterns, urban planning decisions, and high housing costs have priced out many community members from centrally located neighborhoods, resulting in a mismatch between job locations and housing in areas with few transportation options. Collectively, these transportation and land use investments have resulted in a form of *trauma* for these historically excluded and underserved communities and individuals.

State of Oregon Definition of Equity

Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Definition from June 2020
State of Oregon Equity Framework in
COVID-19 Response and Recovery

¹ Please see the glossary for the definition of italicized terms.

WHY AN EQUITY FRAMEWORK FOR THE I-205 AND I-5 TOLL PROJECTS?

As part of previous community engagement efforts (including for the 2018 Value Pricing Feasibility Analysis), discussions with community members, regional stakeholders, and elected officials revealed three consistent themes:

- Concerns about tolling effects on communities experiencing low income
- Need for improved transit and other transportation choices
- Concerns with the potential for tolling to cause traffic to reroute to local streets

The Oregon Toll Program has developed this draft Equity Framework to identify the burdens and benefits of tolling and provide a process for determining how to equitably distribute those burdens and benefits from the I-205 and I-5 Toll Projects. The framework will guide the project to ensure tolling on I-205 and I-5 will lead to equitable outcomes. Additionally, the framework will ensure the Oregon Toll Program implements an intentional and equitable engagement process that makes historically excluded and underserved communities a priority.

To create this framework, the Oregon Toll Program worked with a team of equity specialists to create this initial draft, which will be updated over time as more individuals and organizations become involved in this work.

This I-205 and I-5 Toll Projects' Equity Framework includes:

- Goals for the proposed toll projects, and an explanation of why the Oregon Toll Program is prioritizing equity
- A definition of equity within the context of the toll projects, including key concepts and definitions related to equity
- The overall approach and organizing principles for addressing equity

A set of actions for measuring benefits and burdens to historically excluded and underserved communities and populations

GOALS OF THE TOLL PROJECTS

The I-205 and I-5 Toll Projects were assigned two goals by the Oregon State Legislature:²

² In 2017, the Oregon Legislature approved House Bill 2017, known as Keep Oregon Moving. This bill committed hundreds of millions of dollars in projects that will address our congestion problem and improve the transportation system in the region and statewide. HB 2017 directed the Oregon Transportation Commission to pursue and implement congestion pricing on I-5 and I-205 in the Portland Metro region to provide additional traffic management tools to further manage congestion.

1. To reduce traffic congestion in the Portland metropolitan region by encouraging people to travel at less congested times or to change travel mode, thereby providing more reliable travel time; and
2. To generate revenues which can then help fund congestion relief projects or other efforts through the state's Congestion Relief Fund.

At the same time, the Oregon Toll Program has made community mobility and equity³ strategies key components of successful toll projects. The Oregon Toll Program is committed to minimizing burdens and maximizing benefits to communities that transportation projects have historically excluded and underserved. The Oregon Toll Program will engage these communities so that it can intentionally inform, listen to, learn from, and empower them throughout the toll projects' development, implementation, monitoring, and evaluation processes. **The Program recognizes that tribes are sovereign nations and is engaging in government-to-government consultation.**

UNDERSTANDING EQUITY FOR THE I-205 AND I-5 TOLL PROJECTS

The Oregon Toll Program will consider the different transportation needs of historically excluded and underserved communities and the barriers those communities face so that the design of the toll projects improve access to jobs, goods, services, and key destinations.

"Equity" for transportation projects is the just allocation of burdens and benefits within a transportation system. For the purposes of ODOT's toll projects, equity is described in two ways: process equity and outcome equity.

Process equity means that the planning process, from design through to post-implementation monitoring and evaluation, actively and successfully encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

Outcome equity means that the toll projects will acknowledge existing inequities and will strive to prevent historically excluded and underserved communities from bearing the burden of negative effects that directly or indirectly result from the toll projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

Together, process and outcome equity focus on four dimensions:

³ Community mobility and equity strategies could improve mobility for the broadest possible cross-section of the community and avoid, minimize, or mitigate negative impacts to historically excluded and underserved communities. Strategies could include improved transit and other transportation choices.

- **Full Participation.** Impacted populations and communities will play a major role throughout the Projects. Agency accountability and transparency will be a key component of the Toll Projects' activities.
- **Affordability.** The Projects will explore how to improve the affordability of the transportation system to affected populations and communities.
- **Access to Opportunity.** The Toll Projects will focus on improving multi-modal⁴ access to the region's many opportunities for historically excluded and underserved communities.
- **Community Health.** The Toll Projects will address air quality, noise, traffic safety, economic impacts and other potential effects on historically excluded and underserved communities.

OUR APPROACH

Explicit goals for these Toll Projects include reduced congestion and the generation of new funds to help pay for improved transportation facilities or other efforts funded by the state's Congestion Relief Fund. *Equitable community and mobility strategies will need to produce benefits beyond revenue generation and direct congestion management improvements on the I-205 and I-5 freeways.* Other benefits could include better functioning transportation facilities and services for people not using the freeways, and strategies for managing and limiting potential vehicle rerouting from the freeway through neighborhoods with significant populations of historically excluded and underserved communities.

The I-205 and I-5 Toll Projects can maximize potential positive benefits and minimize negative effects by following organizing principles to ensure both process and outcome equity:

1. **Incorporate a trauma informed perspective in our current context** by recognizing the trauma associated with multiple historic and current events, including the ongoing killings of African Americans by police, the COVID-19 pandemic, the economic ramifications from these events, as well as the impacts of past transportation and land use investments. While the future is uncertain, there is opportunity to demonstrate how ODOT can shift power to impacted community members to improve outcomes for all. Embracing this trauma-informed perspective in policy making can begin to address past harms, minimize burdens, and maximize benefits for historically underserved community members.
2. **Begin with a racial analysis.** By being explicit about race and systemic racism, the I-205 and I-5 Toll Projects can develop solutions that maximize benefits to all historically excluded and underserved communities. By beginning with race, the Oregon Toll Program ensures that race will not be ignored or diminished as part of an overall analysis of equity in the system.

⁴ For the purposes of this document, "multi-modal access" considers and accommodates the many different modes that people use for transportation, including (but not limited to) private and for-hire motor vehicles, public transit and paratransit, walking, rolling a wheelchair or motorized assisted scooter, cycling, skateboarding, and the use of shared mobility devices such as bike share and scooter share programs. Multi-modal indicates that any one of these modes may be used and that multiple different modes may be used on a single trip.

3. **Acknowledge historic context.** Communities which have been historically affected by the transportation system should be explicitly acknowledged and involved in a direct and meaningful way in project development and follow-up.
4. **Identify disparities.** The Oregon Toll Program has developed this draft Equity Framework for the I-205 and I-5 Toll Projects, consistent with Title VI of the Civil Rights Act, to analyze policy proposals as well as historical impacts, assess disparities in the distribution of project benefits and burdens/, and provide remediation solutions where warranted.
5. **Prioritize input from impacted historically excluded and underserved communities, inclusive of tribal governments.** The Oregon Toll Program is committed to identifying communities that have historically been excluded in transportation planning and who have been underserved or negatively impacted by prior transportation investments and plans, as well as those at highest risk of being negatively affected by the I-205 and I-5 Toll Projects. ODOT commits to prioritizing the voices of impacted, excluded, and underserved communities, and tribal governments, and ensuring that their concerns, goals, and experiences shape the design of the toll projects. This focus will help produce greater overall benefits throughout the system.
6. **Attend to power dynamics among stakeholders.** The Oregon Toll Program aims to elevate the needs and priorities of historically marginalized communities through this process. To do this requires that each of the projects recognize, understand, and shift existing power dynamics within ODOT, other government agencies, groups, the community, and the projects' teams.
7. **Maintain a learning orientation.** A focus on equity and using tolls to manage congestion are innovative nationally and new for ODOT. The Oregon Toll Program commits to letting equity drive its approach to the planning process, including National Environmental Policy Act (NEPA)⁵ studies and community participation. The Oregon Toll Program commits to striving for continuous improvement and to creating space conducive for growth and collective learning.

EQUITY IMPLEMENTATION STEPS

This framework uses a five-step iterative process that can help reduce systemic inequities and support the desired outcomes of the toll projects. This process encourages decision-makers to critically address health, racial, social, and economic disparities and historic disinvestment and transportation decisions that have harmed communities. Figure 1 illustrates the five iterative steps of the framework adapted from TransForm, a transportation and land use policy

⁵ The National Environmental Policy Act of 1970 (as amended) ensures the federal agencies consider the potential environmental effects of their proposed actions and inform the public about their decision making. It is especially important for communications related to this project because public outreach and engagement activities will frequently be tied to milestones in the NEPA process.

organization. TransForm based its framework on a study of tolling equity practices worldwide, with special attention to guidance from the National Cooperative Highway Research Program's 2018 guidebook and toolbox, *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes*.⁶

Figure 1. Five Step Process for Achieving Equitable Outcomes⁷



Oregon Toll Program actions for each step are delineated below.

Step #1: Identify Who, What, and Where

- Identify all historically excluded and underserved communities, tribal governments, and small businesses the toll projects may disproportionately affect, including presenting the context of how and why these communities have been excluded and underserved by in the past through prior transportation and land use planning and investment.
- Document the travel patterns of historically excluded and underserved communities that may be affected by the toll projects, and anticipate potential changes to them.
- Develop a range of potential pricing strategies and related policy proposals that directly address community-identified mobility and equity priorities.

⁶ Pesesky, L., et. al., *Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes: Guidebook and Toolbox*, National Cooperative Highway Research Program Research Report 860 (Washington, D.C.: Transportation Research Board, 2008).

⁷ Cohen, S., and Hoffman, A., *Pricing Roads, Advancing Equity*, Report and toolkit (Oakland, California: TransForm, 2019).

Step #2: Define Equity Outcomes and Performance Measures

Develop a set of performance measures that establish both *baseline conditions* for historically excluded and underserved communities, and the effects of different proposed pricing and equity strategies on these communities. Performance measures will address both process and outcome equity.

Process Equity

Process Equity measures help determine how successful the projects are at achieving inclusive and accountable participation of historically excluded and underserved communities in the transportation planning and decision-making process.

Inclusive and Accountable Participation

Measures of participation. Representation on advisory committees:

- The number of workshops, virtual meetings, their locations, and the number of unique attendees from historically excluded and underserved communities
- The number of public comments and surveys received from historically excluded and underserved communities
- Measures of the distribution of print and web resources, including languages served

Responsiveness. The Oregon Toll Program will develop qualitative evaluation measures of its ability to be responsive in addressing comments, ideas and concerns voiced by historically excluded and underserved communities:

- Collect feedback from participants, the advisory committee, and equity sub-consultants on quality of facilitation and ability to incorporate the needs of historically excluded and underserved communities.
- Ensure continuous application and incorporation of the “Oregon Toll Program Approach” through the toll projects meetings and processes.
- Monitor regularly the following within decision-making processes and project management:
 - Projects’ adaptability to needs expressed by historically excluded and underserved communities
 - That historically excluded and underserved communities have a voice and the opportunity to directly impact design and outcomes
 - Transparent accountability: it is clear who the decision-makers are and how to influence decision-making
 - That the Oregon Toll Program is communicating directly and regularly with underserved and excluded communities and clearly describing the input, ideas and

concerns that have been voiced, and how that feedback is being used in project development.

Outcome Equity

Outcome Equity measures will address three dimensions: affordability (user costs), access to opportunity, and community health to determine which pricing and equity strategies best advance equity.

1. Affordability

- **Travel costs.** Change in travel costs for historically excluded and underserved communities
- **Financial barriers.** Potential financial barriers that may limit use of the tolled facilities by historically excluded and underserved communities, including for the unbanked and for those who may have trouble putting up deposits for transponders or other required technologies

2. Access to Opportunity

- **Travel patterns.** Potential changes to travel patterns and behavior
- **Transportation options.** Alternative transportation choices (roads, transit, etc.) in the study area available to those who choose to not pay tolls, with some measure of their relative costs (in time and/or money) and benefits
- **Time penalties or improvements.** Effects on un-tolled alternatives, including roadways affected by rerouting and potential benefits or impacts to transit services

3. Community Health

- **Community health.** Health indicators, including those identified by historically excluded and underserved communities
- **Environmental impacts.** Projected changes in air, water, and noise pollution, as well as visual impacts
- **Safety.** Potential implications for safety, particularly for the most vulnerable road users (bicyclists and pedestrians)
- **Community cohesion or isolation.** Potential implications of changes in travel behavior and infrastructure on community cohesion or isolation, including potential impacts on rents
- **Small business.** Potential effect of construction or tolls on small businesses within historically excluded and underserved communities

Step #3: Determine Benefits and Burdens

Determine impacts (both positive and negative) related to the outcome and performance indicators that will be identified in Step Two, with an eye to determining the effects listed in Table 1. Table 1 lists a range of possible effects that could be considered as part of each of the toll projects' equity and mobility analyses and do not represent a final set of outcomes to be considered.

Table 1. Benefits and Burdens for Consideration

Potential Benefits and Burdens

User costs – both for the tolled facility as well as for any viable alternatives, including both monetary and non-monetary (such as time) costs

Choices – including travel options for those for whom a new toll might prove burdensome

Travel time – including delay or improvements to travel time

Transit – including changes to operating speed, reliability, and ridership from tolling as well as from potential improvements in transit as part of the projects

Traffic patterns – including potential rerouting impacts through neighborhoods with significant populations from historically excluded and underserved communities

Businesses – especially those at risk for impacts from changes in travel behavior, traffic rerouting, or construction

Noise – where it might be generated and whom might be exposed to it, including expected changes in noise on potential or existing diversion routes

Social – including improved access to opportunity

Environmental – including localized as well as regional changes to water and air quality for historically excluded and underserved communities

Visual – including any takings or impacts from the placement and construction of any physical infrastructure required as part of the Projects

Step #4: Choose Options that Advance Equity

- Determine which strategies are most promising to provide greater affordability, and potentially price certainty, as part of the tolling proposal.
- Involve historically excluded and underserved communities and tribal governments in meaningful review of these strategies.
- Determine which strategies will most benefit commuters from historically excluded and underserved communities.
- Determine which strategies will most benefit non-commuters in historically excluded and underserved communities.
- For those strategies that are not permissible in Oregon, due to constitutional restrictions or other legal considerations, find alternatives that similarly advance equity.
- Subject the final alternative(s) to detailed modeling to get a finer grain prediction of impacts.

With the input of historically excluded and underserved communities and tribal governments, refine proposed pricing and equity strategies to optimize their performance.

Step #5: Provide Accountable Feedback and Evaluation

- Incorporate input from historically excluded and underserved **communities and tribal governments** and consider community priorities as part of the development of mobility and mitigation strategies.
- Prioritize funding commitments made to historically excluded and underserved communities as part of the toll projects and delineate responsibilities clearly, publicly, and transparently.
- Develop a timeline, with public input, describing who is responsible for determining if the I-205 and I-5 Toll Projects meet the Oregon Toll Program's goals and commitments to historically excluded and underserved communities.
- Make explicit who is responsible for providing continuous oversight of equity issues following implementation of the toll projects, including periodic evaluation and adjustments in toll policies and prices.
- Identify any equity issues or concerns raised for which the toll projects are unable to provide resolution. Such unresolved issues will be addressed in communications with historically excluded and underserved communities.

Continue to seek ongoing opportunities for representatives of historically excluded and underserved communities **and tribal governments** to participate in the entire transportation planning process.

GLOSSARY - IMPORTANT DEFINITIONS

Many terms are used to indicate communities and populations affected by planning and land-use decisions. Planning documents frequently refer to communities that have historically been excluded by land-use projects and from transportation decision-making as “historically marginalized communities.” Some communities have been discriminated against systemically; these fall under the broad term of “historically underserved communities.”

This document uses the terminology “historically excluded and underserved communities” to be broad in the definition of the communities, populations, individuals, and tribal governments who have been excluded from transportation decision-making and/or systematically discriminated against. Other terms often used to describe some of these communities include:

- **Marginalized communities/populations** are those communities that have been confined to the peripheral edge of society, and have had little involvement in, among other processes, transportation decision-making.
- **Vulnerable populations** include populations that are more likely to be transit-dependent and/or otherwise disproportionately affected by changes in travel cost and choices, such as the elderly, children, people of color, low-income persons, and persons with disabilities.
- **Low-income** is defined for the purposes of the toll projects as individuals or households with income below 200 percent of the federal poverty level for the area.
- **Environmental Justice (EJ) populations** include individuals who are African American, Asian American, Hispanic American, Native American and Alaska Native, Native Hawaiian and Pacific Islander, of two or more races, and/or low-income.
- **Black, indigenous and people of color**, also known as BIPOC, is a term for people who identify as Black, Asian, Hispanic, Latin American, Native American and Alaska Native, Central and South American indigenous, Native Hawaiian and Pacific Islander origin, and/or of one or more non-white races or ethnic groups.
- **Tribal governments (Federally Recognized Tribes)** are sovereign nations as recognized by the United States Government, and consultation with federally recognized tribes occurs through a government-to-government consultation process separate and distinct from public and community outreach and comment.

Other terms used in this document include:

- **Displacement** occurs when people and businesses, often residences or businesses of people of color, are forced from their homes and commercial areas due to rising rents, property taxes, or government policy that directly relocates people or businesses or favors replacing current community members, homes or businesses with others, particularly white-owned or occupied residences and businesses.
- **Economic Disadvantage** refers to individuals and communities with significantly less wealth and financial resources and whose economic health and wellbeing has been

impaired due to systemic barriers (such as limited access to opportunities, through discrimination in education, or health care, hiring and promotions, lack of banking and credit or other factors) as compared to other people or communities in the same region.

Please see Appendix A for a written example of someone experiencing economic disadvantage.

- **Race** is a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period of time. Racial categories subsume ethnic groups. (Based on Portland Metro definition)
- **Segregation** is when facilities, services, and opportunities such as housing, medical care, education, employment, and transportation in the United States are divided along racial, economic, ethnic, or religious lines. (Adapted from Portland Metro definition)
- **Systemic Racism** is a system of interrelated policies, practices, and procedures that work to advantage and position white people and communities over people of color. It can result in discrimination in criminal justice, employment, housing, health care, political power and education, among other issues.
- **Trauma** is the unique individual or group experience of an event or enduring set of conditions where resulting stress overwhelms the individual's or group's ability to manage their emotional and physical experience, resulting in long-lasting and adverse emotional, cognitive, and physiological effects. At the community level, trauma can result from current and historic systemic discrimination and violence against people from certain groups. (Adapted from Trauma Informed Oregon's *Standards of Practice for Trauma Informed Care: Definitions and Additional Resources* and U.S. Substance Abuse and Mental Health Services Administration's *Concept of Trauma and Guidance for a Trauma-Informed Approach*.)

A **Trauma-Informed Perspective** is one that realizes the pathways and impacts of trauma within the community, is able to recognize the signs and symptoms of people experiencing trauma, responds by incorporating knowledge of trauma into practice, and actively seeks to avoid re-traumatization. In the context of toll projects, it realizes the ways transportation projects and planning processes have caused trauma, understands what this looks like in practice, and incorporates this knowledge into all aspects of toll development (staff training, policy development, project outreach etc.) to avoid re-traumatization. (Adapted from U.S. Substance Abuse and Mental Health Services Administration's four "R's" of a trauma-informed approach.)

Please see Figure 1 in Appendix A for a visual representation of a trauma-informed perspective.

AUTHORS AND CONTRIBUTORS

The following individuals contributed extensively to this Equity Framework

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